

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

MASON WHITE HYDE-EL, )  
 )  
 Plaintiff, )  
 )  
 v. ) 1:16CV897  
 )  
 D.T. MILLER, II, et al., )  
 )  
 Defendant(s). )

## ORDER

The Order and Recommendation of the United States Magistrate Judge was filed with the Court in accordance with 28 U.S.C. § 636(b) and, on August 4, 2016, was served on the parties in this action. (ECF Nos. 3, 4.) Plaintiff objected to the Magistrate Judge's Recommendation. (ECF No. 5.)

The Court has appropriately reviewed the portions of the Magistrate Judge's Recommendation to which objection was made and has made a *de novo* determination which is in accord with the Magistrate Judge's Recommendation. The Court therefore adopts the Magistrate Judge's Recommendation.

IT IS THEREFORE ORDERED that this action be filed and dismissed *sua sponte* without prejudice to Plaintiff filing a new complaint, on the proper § 1983 forms, which corrects the defects cited in the Magistrate Judge's Recommendation. A Judgment dismissing this action will be entered contemporaneously with this Order.

This, the 4<sup>th</sup> day of October, 2016.

/s/ Loretta C. Biggs  
United States District Judge